IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 766 OF 2004

Office notes, office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders	: Court's or Judge's Orders

Shri S.R.Shinde, APP for the State.

CORAM: R.S.Mohite, J.
DATE : 13th January, 2006.

P.C.:

1. This is an appeal filed by the State impugning the judgment and order passed by the Judicial Magistrate First Class, Ichalkaranji on 13/01/2004 acquitting the accused for the offences punishable under section 279, 338 and 427 of the Indian Penal Code and 184, 66(1), 192, 105, 177 of Motor Vehicle Act. On perusal of the impugned judgment and order, it is clear that the same has been passed on cogent and acceptable reasons. The accused was the driver of the jeep driving towards the right side of the

road and he dashed against a bridge and caused injuries to some of the inmates who were travelling in the jeep. It appears that prosecution examined some of the inmates of the jeep. Out of them P.W.1-Suman claimed that driver was driving the jeep without headlights but she did not speak about the speed and the manner of driving of the said jeep. P.W.3-Tai Banage who was another inmate said that she had not seen the driver of the jeep. P.W.4-Manwel Gonsalvis, P.W.5-Raju Mujawar, P.W.6-Ravindra More and P.W.7-Shrimandhar Patil did not support the prosecution case. Panch witness-P.W.6 and P.W.7 deposed that when the spot panchanama was prepared, the same was done in the headlights of the jeep. The Court concluded that the act of driving the jeep without headlights was not proved. One more witness, P.W.9-Ramchandra Suryawanshi who was also travelling in the said jeep, said in his cross-examination

that he had not read his police statement prepared by the police constable. In this background, finding is that there was no reliable evidence to show that jeep was being driven at high speed or in rash or negligent manner. The view taken is a possible view. In the circumstances, the leave is refused and consequently, the appeal stands dismissed.

(R.S.Mohite, J.)